

AN ORDINANCE **93881**

**AMENDING THE EXISTING UNIFIED DEVELOPMENT CODE
BY ADOPTING A REVISED UNIFIED DEVELOPMENT CODE,
ESTABLISHING AN IMPLEMENTATION PLAN FOR THE
REVISED CODE, ESTABLISHING ADMINISTRATIVE AND
CIVIL AS WELL AS CRIMINAL PENALTIES BY FINE OF NOT
MORE THAN \$2,000.00 FOR VIOLATION OF ITS PROVISIONS
AND PROVIDING FOR PUBLICATION.**

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WHEREAS, the City of San Antonio desires to improve the implementation of land use and growth policies of its Master Plan; and

WHEREAS, City staff has worked for over two years with stake holders and has received extensive public input and participation to craft a new, revised Unified Development Code to further the goals of the City; and

WHEREAS, the intent of the new, revised Unified Development Code is to :

- Encourage inner city development,
- Encourage infill development,
- Discourage urban sprawl,
- Utilize smart growth principals and incorporate more public involvement in the development process,
- protect and preserve older neighborhoods,
- Provide new techniques for meeting market demands for new development concepts,
- Provide for certainty in the development process,
- Improve efficiency in administration and processing of development permits; and

WHEREAS, both the Zoning and Planning Commissions have recommended adoption of the new, revised Unified Development Code; and

WHEREAS, City Council desires to adopt the new, revised Unified Development Code;
NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The new, revised Unified Development Code (UDC), as reflected in Attachment 1, is hereby adopted as part of the San Antonio City Code and shall be implemented on June 4, 2001 except as noted in the following Sections.

SECTION 2. The following sections of the new, revised Unified Development Code shall be implemented as reflected in the following chart:

Article / Section	Description	Task	Implementation Date
Article III			
35-341	Mixed Use District	Special district to provide concentrated residential, retail, service, office and mixed uses. Master Development Plan reviews and design review.	September 10, 2001
35-343	Infill Development Zone	New provision to promote revitalization of the inner city. Staff will review urban design standards such as building scale and common parking areas to ensure development promotes pedestrian activity and maintains character of area.	September 10, 2001
35-360	Density Bonus	New provision that will provide density bonuses to developer for meeting certain criteria such as open space and affordable housing. Require calculation of density bonus	September 10, 2001
35-361	Transfer of Development Rights	To protect critical areas of the city, new option to allow for transferring development rights to areas of the City where high density is desirable. Require a tracking system and additional processing time.	September 10, 2001
35-372	Affordable Dwelling Units	New provision to allow for density bonus for setting aside certain percentage of affordable housing. Require design review and density calculations.	September 10, 2001
Article IV			
35-403	Notice Provision	Notices will be required for Master Development Plans, Master Plan Community, Subdivision Plats and Historic cases. Signage will also be required for Zoning, Platting and HDRC cases.	Notice: Sept. 10, 2001 Signage: January 7, 2002 -
35-420	Comprehensive, Neighborhood, Community, Perimeter Plans	<ol style="list-style-type: none"> 1. New requirement to rezone after the adoption of a plan. 2. New requirement to notify all property owners within plan boundaries. 3. New requirement –urban indicators report every 2 years. 4. Public participation program to review adopted plans every 5 years. 5. Amendments to the master plan will require that public hearings be published in newspaper. 6. Coordinate with Zoning staff 	January 7, 2002
35-421	Zoning Amendment	Zoning request not consistent with neighborhood plans will require that Planning Commission review the plan.	January 7, 2002
35-424	Ministerial Permits	<ol style="list-style-type: none"> 1. 35 days for permit initial review 2. Exhibit B provides building applications and submittal standards. 	January 7, 2002
Article V			
35-506	TND	New item. Review of TND developments will require more detail review than standard subdivisions. Narrow streets require coordination with Fire and Environmental Services.	January 7, 2002
35-506	Bicycle Facilities	New item. Review placement or need for street bicycle facilities necessary – MPO, ROW Management/Transportation Group	January 7, 2002

35-507	Utilities	Coordination of Utilities for new subdivisions now required. Spatial utility assignment requirements per right-of-way management ordinance.	September 10, 2001
35-510- 512	Landscaping	Additional plan review and inspections will be required for the following: 1. Tree canopy requirements for parking lots. 2. Buffer requirements between different uses. 3. Point system for landscaping shifts to increase understory value 4. Increase options to achieve landscape requirements. 5. Proposes requirement for architect plans seal for projects more than 4,300 sq.ft. 6. 6. Irrigation Plans will be required for Building permit review.	January 7, 2002
	Shared Parking Facilities	Encouragement of mixed use developments will require greater review and analysis for shared parking facilities and cross parking agreements. Preparation of documents and signature coordination required.	September 10, 2001
Article VIII			
Appendix D	Conversion matrix	This will convert existing property currently zoned under the 1938 and 1965 codes to the 2001 code. As a result of the conversion some single family will be zoned inappropriately and require rezoning.	February 4, 2002

SECTION 3. The following sections of the new, revised Unified Development Code shall be implemented as reflected in the following chart but may be utilized at the discretion of the City Manager anytime after June 4, 2001 if so requested by the applicant:

35-515	Lot Layout	Review conformance with zoning requirements, setbacks, frontage, density and design.	January 7, 2002
35-504	Storm Water Management	1. Certain use patterns delete storm water detention requirements. 2. Drainage easements for areas that drain from public property, ROWs to increase storm water utility cost 3. Storm water engineer to administer, plan and oversee the design and construction of regional storm water facilities using a watershed management approach. 4. Link individual developments to a watershed master plan to assist developers in participating in the storm water infrastructure required for their development.	January 7, 2002
35-506	Streets and Parking	1. Certain approved use patterns reduces parking in lieu of other improvements which may impact completing of plan review. 2. TIA requirement deleted for certain approved use patterns. Establish requirements for streetscaping of collectors and arterials. New letter of certification will be required from Landscaping division.	January 7, 2002

SECTION 4. Changes to the new, revised Unified Development Code may be made and implemented through January 31, 2003 regardless of any prohibitions otherwise stated within the new, revised UDC.

SECTION 5. Section 35-404(b) of Attachment 1 is hereby amended to read as follows:

(b) Meetings

The Planning Commission, Zoning Commission, and Historic and Design Review Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Chapter. On those items where it has review authority, the Zoning Commission shall recommend that the City Council approve, approve with conditions or deny applications. If a comprehensive plan, rezoning, or other land use regulation requiring final approval of the City Council, or amendment thereto, or other development approval, has been duly submitted to the Zoning Commission, and the Zoning Commission has failed to make a recommendation approving or denying such action at two (2) consecutive meetings, such action, at the option of the applicant, shall be deemed to be a negative recommendation. The Director shall thereupon submit the proposed land use regulation or amendment thereto or other development approval to the City Council for its consideration

SECTION 6. All provisions and/or alterations to Attachment 1 as noted within Attachment 2 to this ordinance are hereby adopted and shall be made part of the new, revised Unified Development Code.

SECTION 7. Upon their respective implementation dates, the new sections adopted by this ordinance shall supercede conflicting sections of Chapter 35 of the City Code, for example previously existing sections regarding house moving and Quarry District Special Use Permits are not superceded. The sections reflecting the revised Military Airport Overlay Zone, as passed by City Council on April 26, 2001, shall not be superceded or preempted by this ordinance's adoption of the new, revised UDC.

SECTION 8. Any conflict between the provisions of the new, revised Unified Development Code and the City's Ethics Ordinance shall be resolved in favor of the Ethics Ordinance.

SECTION 9. The criminal and civil fines as well as the administrative fees and fines provided within the new, revised Unified Development Code are hereby authorized.

SECTION 10. The City Manager is hereby authorized to designate individuals and departments other than those so designated in Attachment 1 to carry out the duties of the new, revised Unified Development Code hereby adopted.

SECTION 11. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid; or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective; the remainder

shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 12. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 13. The City Clerk is directed to publish notice of this ordinance in accordance with Section 17 of the City Charter.

SECTION 14. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein.

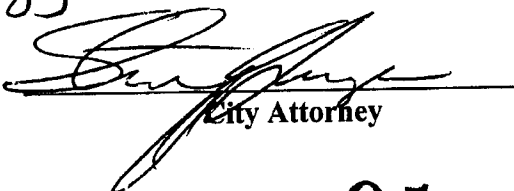
SECTION 15. This ordinance shall become effective five days from the date of publication but in no case before the expiration of thirty days from passage.

PASSED AND APPROVED this 3rd day of May 2001.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM:


City Attorney

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III. ARTICLES

“Risky Business: Vested Real Property Development Rights- The Texas Experience and Proposals for the Texas Legislature to Improve Certainty in the Law” (Texas Law Review, 1999).....	7
“Vested Rights Legislation” (Urban Lawyer, 2002).....	8
“Vested Rights & Regulatory Takings” (UT Land Use Law Seminar, 2003).....	9